

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR06-026-RSL
10 v.) SUMMARY REPORT OF U.S.
11 DANIEL MENGISTEAB YOHANNES,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
) OF SUPERVISED RELEASE

14 An initial hearing on supervised release revocation in this case was scheduled before me
15 on March 16, 2011. The United States was represented by AUSA Todd Greenberg and the
16 defendant by Bruce D. Erickson. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about December 8, 2006 by the Honorable Robert
18 S. Lasnik on a charge of Conspiracy to Distribute Cocaine Base, and sentenced to 36 months
19 custody, five years supervised release. (Dkt. 264.)

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant participate in a substance abuse program, abstain from alcohol,
22 submit to search, participate in mental health treatment, provide his probation officer with access

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01 to financial information upon request, and be prohibited from association with any known gang
02 members. The sentence was amended on April 21, 2008 to provide for imprisonment of 29
03 months, pursuant to a change in the guidelines sentence range for crack cocaine, 18 U.S.C. §
04 3582(c)(2), 28 U.S.C. § 994(u). (Dkt. 365.) Supervision commenced on April 28, 2008. On
05 August 25, 2008, defendant's probation officer reported that defendant had violated conditions
06 of supervision by associating with a known felon. The alleged violation was addressed in Moral
07 Reconation Therapy and the Court approved the recommendation of no other action at that time.
08 (Dkt. 392.)

09 On September 11, 2008, defendant's conditions of supervised release were modified to
10 require participation in home confinement with electronic monitoring for up to 90 days. (Dkt.
11 396.) On January 22, 2010, defendant admitted violating the conditions of supervised release by
12 failing to participate in Moral Reconation Therapy, failing to report to the probation officer as
13 directed, committing the crime of Driving with a Suspended License, associating with a known
14 felon, and associating with persons engaged in criminal activity. (Dkt. 434.) Defendant was
15 sentenced to 30 days and 59 months supervised release. He was further required to not obtain
16 any forms of identification in any but his true identity. (Dkt. 439.)

17 In an application dated August 3, 2010 (Dkt. 443, 444), U.S. Probation Officer Thomas
18 J. Fitzgerald alleged the following violations of the conditions of supervised release:

19 1. Failing to comply with the Location Monitoring Program since March 20, 2010,
20 in violation of the special condition requiring he participate in the Location Monitoring Program
21 with electronic monitoring for a period of 120 days, as directed by the probation officer.

22 2. Failing to participate in Moral Reconation Therapy (MRT) as directed since May

01 | 5, 2010, in violation of his special condition of supervised release.

02 3. Consuming marijuana on or before July 7, 2010, in violation of standard condition
03 number seven of his supervised release.

04 4. Failing to report for urinalysis testing as directed on July 14, 2010, in violation
05 of his special condition of supervised release.

06 5. Failing to report to the probation officer as directed on July 16, July 20, and July
07 23, 2010, in violation of standard condition number two of his supervised release.

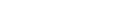
08 Defendant was advised in full as to those charges and as to his constitutional rights.

Defendant admitted the alleged violations and waived any evidentiary hearing as to whether they occurred.

I therefore recommend the Court find defendant violated his supervised release as alleged, and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be set before Judge Lasnik.

14 Pending a final determination by the Court, defendant has been detained.

15 | DATED this 17th day of March, 2011.



Mary Alice Theiler
United States Magistrate Judge

20 cc: District Judge: Honorable Robert S. Lasnik
AUSA: Todd Greenberg
Defendant's attorney: Bruce D. Erickson
21 Probation officer: Thomas J. Fitzgerald